INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB SH2060706
402-06422-0451-055

On Saturday April 6, 2002, Sergeants Jerry Greene and Joe Gooden of the Internal Affairs Bureau (IAB) were notified of a deputy involved shooting which began when a Norwalk Station deputy attempted to stop a suspect who was walking in a residential neighborhood. Instead of stopping, the suspect shot at the deputy who returned fire. The suspect fled and a containment was established. Approximately two-and-a-half hours later, the suspect was observed by a Special Enforcement Bureau (SEB) deputy and again opened fire. The deputy, along with other SEB and containment deputies, returned fire, striking the suspect several times. IAB Lieutenant Michael O'Brien, Deputy District Attorney William Penzin and Deputy District Attorney Senior Investigator Kimberly Riddle of the District Attorney's Justice System Integrity Division, Lieutenant Ralph Webb of the Risk Management Bureau, Robert Miller of the Office of Independent Review and Deputy Shawn Jones, Field Operations Training Unit, were also present at the scene.

INVOLVED PERSONNEL:

GUTIERREZ, Gregory, Deputy, #[redacted]
Norwalk Station
Field Operations Region III

CALZADA, Craig, Deputy, #[redacted]
Norwalk Station
Field Operations Region III

FLOTREE, Jeffrey, Deputy, #[redacted]
Norwalk Station
Field Operations Region III

GUILBAULT, Robert, Sergeant, #[redacted]
Special Enforcement Bureau
Office of Homeland Security

PALMER, Tracy, Deputy, #[redacted]
Special Enforcement Bureau
Office of Homeland Security

SALINAS, Alejandro, Deputy, #[redacted]
Special Enforcement Bureau
Office of Homeland Security

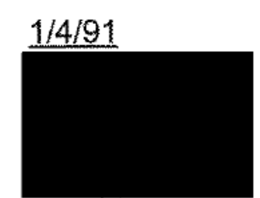
ARRIETA, Ruben, Deputy, #[redacted]
Century Station
Field Operations Region II



EMPLOYEE WORK HISTORY:

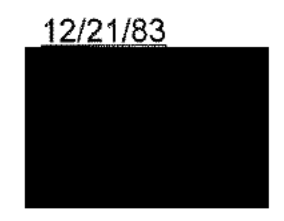
GUTIERREZ, Gregory

Date of Employment: 1/4/91
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents
Prior Founded Force Incidents


[redacted]

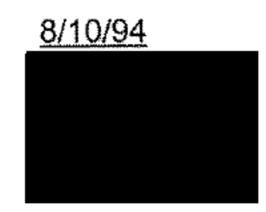
CALZADA, Craig

Date of Employment: 12/21/83
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents
Prior Founded Force Incidents


[redacted]

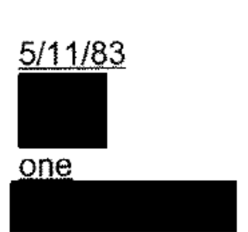
FLOTREE, Jeffrey

Date of Employment: 8/10/94
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents
Prior Founded Force Incidents


[redacted]

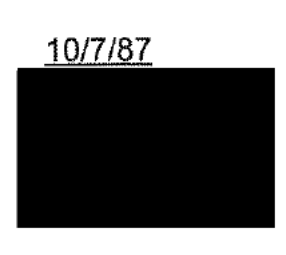
GUILBAULT, Robert

Date of Employment: 5/11/83
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents: one
Prior Founded Force Incidents [redacted]



PALMER, Tracy

Date of Employment: 10/7/87
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents
Prior Founded Force Incidents


[redacted]

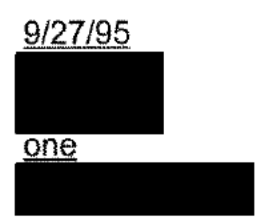
SALINAS, Alejandro

Date of Employment: 2/24/89
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents
Prior Founded Force Incidents



ARRIETA, Ruben

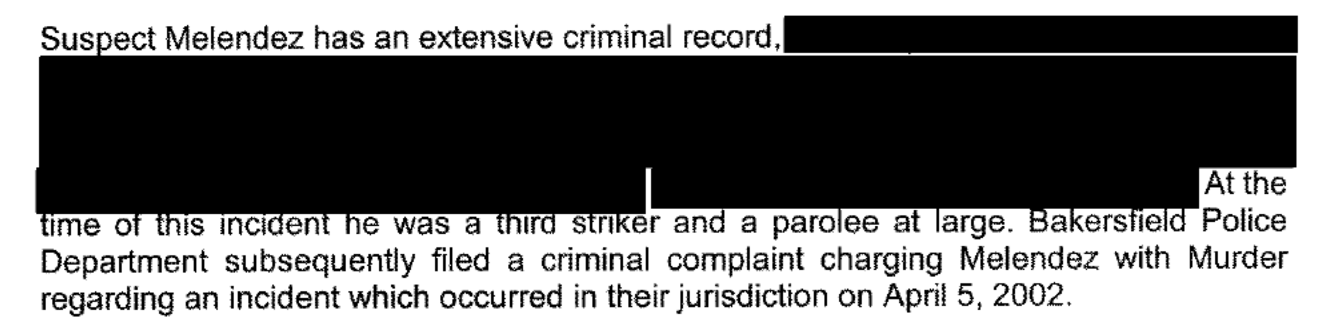
Date of Employment: 9/27/95
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents one
Prior Founded Force Incidents [redacted]



SUSPECT:

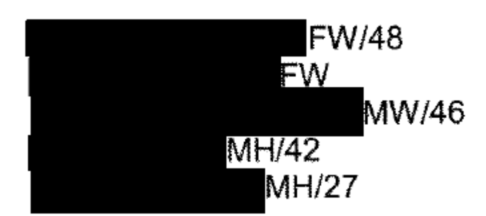
MELENDEZ, Cayetano, MH/46

Suspect Melendez has an extensive criminal record, [redacted] At the time of this incident he was a third striker and a parolee at large. Bakersfield Police Department subsequently filed a criminal complaint charging Melendez with Murder regarding an incident which occurred in their jurisdiction on April 5, 2002.



WITNESSES:

[redacted] FW/48
[redacted] FW
[redacted] MW/46
[redacted] MH/42
[redacted] MH/27



INJURIES:

Suspect Melendez suffered nine gunshot wounds to his arms and lower extremities.

PHYSICAL EVIDENCE:

Refer to Exhibit A for detailed locations of pertinent evidence.

INVESTIGATORS' OBSERVATIONS:

The IAB investigators observed the scenes of the shootings.

WEAPONS USED BY DEPUTY PERSONNEL:

GUTIERREZ, Gregory
Service weapon type: Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap: not applicable
Type of ammunition used: Winchester 9mm Luger SXT 147gr.
Date last qualified: [redacted]
Date last trained with weapon:

CALZADA, Craig
Service weapon type: Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap: not applicable
Type of ammunition used: Winchester 9mm Luger SXT 147gr.
Date last qualified: [redacted]
Date last trained with weapon:

FLOTREE, Jeffrey
Service weapon type: Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap: not applicable
Type of ammunition used: Winchester 9mm Luger SXT 147gr.
Date last qualified: [redacted]
Date last trained with weapon:

GUILBAULT, Robert
Service weapon type: Colt, AR-15 rifle, semiautomatic
Baton/flashlight/sap: not applicable
Type of ammunition used: Remington, .223 caliber
Date last qualified: [redacted]
Date last trained with weapon:

PALMER, Tracy
Service weapon type: Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap: not applicable
Type of ammunition used: Winchester 9mm Luger SXT 147gr.
Date last qualified: [redacted]
Date last trained with weapon:

SALINAS, Alejandro
Service weapon type: Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap: not applicable

Type of ammunition used:	Winchester 9mm Luger SXT 147gr.
Date last qualified:	[redacted]
Date last trained with weapon:	

ARRIETA, Ruben

Service weapon type:	Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap:	not applicable
Type of ammunition used:	Winchester 9mm Luger SXT 147gr.
Date last qualified:	[redacted]
Date last trained with weapon:	

WEAPONS USED BY SUSPECT:

Taurus, six-inch revolver, .357 caliber, recovered at scene.

PROPERTY DAMAGE:

Several vehicles and structures were hit by the deputies and suspect's gunfire. Risk Management Bureau personnel were on scene and took responsibility for taking civil claims.

CRIMINAL INVESTIGATORS/CHARGES FILED:

Investigator Brian Steinwand, #[redacted]
Sergeant Randy Seymour, #[redacted]
Homicide Bureau

Charges filed: Felony complaint VA071057 charging Suspect Melendez with seven counts of Attempted Murder, one count of Burglary and one count of Possession of a Controlled Substance.

LIGHTING AND WEATHER CONDITIONS:

Lighting consisted of street lights. The weather was cold.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Gregory Gutierrez told Homicide Bureau investigators that on April 6, 2002, he worked Unit 45K5, EM shift. At approximately 0130 hours, he was driving his marked patrol car south on Alburtis Avenue when he saw Suspect Melendez walking south on the east sidewalk in front of him. He was aware of previous criminal activity in the area and decided

to contact Melendez.

Deputy Gutierrez said he turned on his vehicle's spotlight and pointed it at the suspect while he positioned his radio car along the east curb line of Alburtis Avenue, facing south. Melendez continued walking south and did not acknowledge the deputy's presence. While still behind Melendez, Gutierrez said something to the effect of, "hang on a minute." Melendez then turned around and looked in his direction, as he continued walking south. Melendez' hand had been along his sides, but he had now moved his hands in front of himself, near his waistband.

Deputy Gutierrez stated that he was still seated in his radio car, traveling south adjacent to the east curb, when the suspect turned to his left. Gutierrez then heard a single gunshot and saw a muzzle flash. Deputy Gutierrez, in fear for his life, fired one round from his departmental issued 9mm Beretta pistol at Melendez. Gutierrez said he had not yet completely stopped his radio car, but had begun to open his driver's door at this time. He fired his round through the gap between the door jam and window frame of the driver's side of his vehicle while he was still seated in his radio car.

Gutierrez said Suspect Melendez continued south a short distance further and onto a driveway at the location. Melendez then fired an additional two or three rounds at Deputy Gutierrez who then fired his duty weapon again in Melendez' direction as Melendez was moving in between some cars parked in the driveway.

Deputy Gutierrez said he then quickly exited his radio car without placing the vehicle in park. He ran north while his vehicle continued traveling south, unmanned. Deputy Gutierrez continued running north, while continually looking back towards the location. While doing so, he saw his radio car rolling forward, southbound, and heard another gunshot. Simultaneously, he heard the sound of a window breaking and saw glass fall from his vehicle to the street.

Deputy Gutierrez said he no longer could see the suspect and was unaware if he was chasing after him or not. Gutierrez eventually heard a noise and believed Melendez was entering a rear yard at the location. Deputy Gutierrez remained at the intersection of Alburtis Avenue and Kenney Street and requested assistance. As other units arrived, Gutierrez assisted them in setting up a containment of the area and was subsequently transported to Norwalk Station to be interviewed by investigators.

IAB Note: Deputy Gutierrez fired five rounds from his 9mm Beretta.

Deputy Tracy Palmer told Homicide Bureau investigators that on April 6, 2002, she worked Unit 241-K9-2, PM shift. Sometime after 0100 hours, while working in the city of Compton, she heard over her sheriff's radio that Norwalk Station patrol deputies were involved in a shooting. She and other canine personnel proceeded to the location.

Deputy Palmer said that when they arrived they were briefed by Norwalk Station Sergeant Steve Paul, field sergeant. Sergeant Paul told them he believed Suspect Melendez was

inside the residence located at [redacted]. Canine Deputy Alex Salinas used his vehicle's public address system to call Melendez out of the house, but there was no response. It was then decided to call the Special Enforcement Bureau (SEB) Special Weapons Team (SWT) as they believed the suspect was barricaded in the home.

Deputy Palmer related that she and Deputy Salinas then began clearing yards and evacuating residents adjacent and across the street from the target house. This action was completed without incident. The aero unit on scene then left the area to refuel and they were subsequently informed that the airship would not be returning. SWT personnel began arriving at the command post at this time.

Deputy Palmer advised that they decided to clear and evacuate five houses on Corby Avenue (block directly east of Alburtis Avenue), north and south of the target house. The plan was to start five houses north and south of the target house and work simultaneously towards the location. Deputy Palmer was to start from the south with two Norwalk Station deputies assisting her, while Deputy Salinas was to start from the north with Canine Sergeant Guilbault and another Norwalk Station Deputy assisting him.

Deputy Palmer explained that prior to deploying their dogs, a public address announcement is made to warn any suspect or innocent persons that police dogs are about to be deployed. Palmer said she began driving very slowly north on Corby Avenue from Tina Avenue, advising of the deployment of the police dogs. She drove to Deputy Salinas and Sergeant Guilbault's location, made a u-turn and continued driving south back towards Tina Avenue, still making the announcements. Palmer then heard via the sheriff's radio that there was a prowler at some location on Corby Avenue. She stopped her car to look for the addresses on the homes to her right and left. Deputy Salinas radioed her that he thought she was directly in front of the location where the prowler call came out.

Deputy Palmer said she looked at the house to her right and saw a man on a lighted porch. He was standing at the front door, and appeared to be turning the door handle as if entering the location. The individual was dressed in black and had what appeared to be a purse slung across his shoulder, hanging at his side. He was looking back over his shoulder in her direction. She initially thought he was a resident going inside his home after hearing her canine announcements. She then focused her spotlight onto the male; he stared at her for approximately five to seven seconds, then removed his hand from the door handle.

Deputy Palmer related that she realized the male did not live at the location and he continued to stare at her with a blank stare, as if he were high on drugs. She thought the male could possibly be the outstanding suspect so she turned her car at an angle towards the west curb and stopped slightly behind a white minivan parked against the west curb. Palmer exited her car and told the male to step away from the porch and show his hands. The individual walked off the porch, but began walking south, away from her. Palmer then walked to the rear of the minivan as the male walked to some bushes approximately 15 feet south of the front porch. She did not know what the male was doing and armed herself with her Beretta 92F duty weapon.

Deputy Palmer said the male then crouched into the bushes. She peeked around the rear of the minivan, saw a muzzle flash, and simultaneously heard a gunshot. She ducked behind the van and heard a bullet hit the right rear side of the van next to her head. Palmer believed the suspect meant to kill her. Palmer fired two or three rounds as she retreated towards the rear of her radio car. Suspect Melendez fired two or three more rounds at her as she was backing away. She then heard someone yell, "shots fired," and was relieved because she knew she did not have to broadcast anything over the radio herself.

Deputy Palmer said she sensed Deputy Salinas' presence to her right, and said he was shooting at Melendez. She then heard a larger caliber gun firing and felt good that someone with a shotgun or larger gun was helping her. She didn't know what type of gun Suspect Melendez had, but she continued shooting at him as he crouched in the bushes.

Deputy Palmer said Melendez suddenly got up, fired once again, and moved to the driveway of the house just south of him ([redacted] Corby Avenue). Palmer returned fire. The suspect moved to a position between several cars in the driveway and the garage door which faced east. Melendez continued to fire at deputies while moving between cars in the driveway. Melendez suddenly stopped shooting; the deputies also stopped shooting. Palmer believed Melendez was wounded and was done shooting. She used the pause in gunfire to tactically reload her gun. After five to ten seconds, Melendez resumed shooting again; the deputies, including Palmer, returned fire.

Deputy Palmer stated that everyone again suddenly stopped shooting and she heard Sergeant Guilbault radio for the SWT. The SWT arrived in an armored vehicle and cautiously approached the suspect. Deputy Salinas' dog walked over and checked Melendez; he did not move. The SWT then approached Melendez, secured his hands, and then called emergency personnel to treat him. He was subsequently transported to a hospital.

Deputy Palmer added that she never heard Suspect Melendez say anything during the entire ordeal.

IAB Note: Deputy Palmer fired 16 rounds from her 9mm Beretta.

Deputy Alejandro Salinas told Homicide Bureau investigators that on April 6, 2002, he was working Unit 240-k9-8 from [redacted] He, Deputy Palmer and Sergeant Guilbault were in the city of Compton on a call when they learned that a deputy had been involved in a shooting in the city of Norwalk and that a containment was being established.

Deputy Salinas said that when they arrived on Alburtis Avenue, the residents were out of the target house, and the house was surrounded by deputies. Norwalk Station Sergeant Paul told them that he believed Suspect Melendez was still inside the location and gave them his description. Salinas made a public address announcement utilizing his patrol vehicle, ordering Melendez to exit the house; there was no response. Deputies next called the house, but no one answered.

Deputy Salinas stated that after he, Palmer and Guilbault learned that a SWT had been requested, they decided to clear the yards and evacuate several houses on either side of the target house. Salinas cleared two yards north of the target house while Palmer cleared two yards south of the target location. Once the yards were cleared on Alburtis Avenue, they decided to clear the yards of the houses on Corby Avenue, north and south of the house directly behind the target house on Alburtis Avenue. They decided to clear five houses in either direction. Once again, Salinas was to start on the north side, and Deputy Palmer was to start on the south. With the approval of the SWT commander, they began preparation to clear the yards. They planned to start at either end and work towards the middle. Sergeant Guilbault was working with Deputy Salinas on the north side.

Deputy Salinas said that prior to beginning a search, public address canine announcements are required. Salinas played the announcement on the north end of Corby Avenue while Deputy Palmer played the announcement while traveling north on Corby Avenue from Tina Avenue. She traveled the length of the block to his position, made a u-turn, and continued the announcements as she drove south on Corby Avenue. While this was occurring, Sheriff's radio advised there was a burglary now call at [redacted] Salinas realized Deputy Palmer was next to that address, so he advised her via the radio. Palmer stopped and got out of her radio car.

Deputy Salinas related that he was out of his vehicle, with his dog on a leash, and began walking south, along with Sergeant Guilbault, toward Deputy Palmer's position to investigate the burglary call. He heard Palmer yelling, "Let me see your hands." Salinas and Guilbault quickened their pace towards Deputy Palmer's position. Deputy Salinas could not see who Palmer was talking to, but he could clearly see her. The next thing he heard was gunfire. He could not tell where the gunfire was coming from, but as he got closer, he saw muzzle flashes coming from the driveway at [redacted] Corby Avenue, next to a small pickup truck.

Deputy Salinas said he knew there were no deputies at that location, and knew it was Suspect Melendez who was shooting. It appeared the suspect was shooting at Deputy Palmer. Fearing for Palmer's safety as well as his own, he began firing toward the muzzle flashes. He was deeply afraid Melendez would wound or kill Deputy Palmer, Sergeant Guilbault, or himself. He was approximately 30 yards north of Deputy Palmer and in the street when he began shooting at Melendez who was west of Palmer. Salinas estimated that he initially saw three to four muzzle flashes coming from Melendez and believed he returned fire with five to six rounds from his Beretta 92F duty weapon.

Deputy Salinas stated that Melendez' muzzle flashes stopped, and he could no longer see the suspect. He and Sergeant Guilbault were now running towards Deputy Palmer. He then heard Palmer firing and then heard Sergeant Guilbault firing his AR-15 rifle. Salinas saw movement near the pickup truck he had previously seen Melendez near. He then saw another muzzle flash come from the front of the pickup truck so he returned two or three shots. Salinas was now within 15 yards of Melendez, still in the street to the right of Deputy Palmer. Guilbault was somewhere to his right. The gunfire then stopped, but he still could not see Melendez. There were deputies southeast of Melendez, so he surmised Melendez

was still in the driveway between the parked cars.

Deputy Salinas related that Sergeant Guilbault requested the immediate assistance of SWT deputies via Sheriff's radio. Twelve to 15 members arrived with their armored vehicle, approached Melendez and determined he was no longer a threat. They then began emergency medical treatment of the suspect.

IAB Note: Deputy Salinas fired eight rounds from his 9mm Beretta.

Sergeant Robert Guilbault told Homicide Bureau investigators that on the night of the incident, he was working Unit 242-K9-S, [redacted] He was working with Deputies Alex Salinas and Tracy Palmer and was their immediate supervisor. Guilbault does not work with a dog.

Sergeant Guilbault said that the three of them were on a call in Compton and subsequently went to the city of Norwalk regarding a 245 suspect who was possibly inside a residence. They drove to a command post and were briefed regarding a deputy involved shooting. They then proceeded to Alburtis Avenue where they were briefed in depth by Norwalk Station Sergeant Steve Paul. Paul also told them that the suspect had run into the house at [redacted]

Sergeant Guilbault stated that Deputy Salinas used his radio car's public address system to order any suspect inside the location to come outside, but no one responded. They then tried telephoning the residence, but no on answered. Guilbault then requested a SWT regarding a barricaded suspect. Guilbault and deputy personnel began clearing the two yards north and south of the location in preparation of the SWT arrival. While in the yard directly north of the location, Guilbault looked over a wall into the location's backyard and saw that a door on the north side of the location had been forced opened. After clearing the yards, they evacuated several homes. The clearing and evacuation on Alburtis Avenue went without incident.

Sergeant Guilbault said there were deputies in the backyard of a home on Corby Avenue directly behind the target location. No one had yet fully cleared the yards near there. Guilbault decided, along with the SWT scout's approval, to clear the yards on the west side of Corby Avenue between Kenney Street on the north and Tina Street on the south. They were to start on either end and work their way towards the center. Guilbault and Deputy Salinas would start from the north, while Deputy Palmer and two Norwalk Station deputies were to start from the south.

Sergeant Guilbault said that prior to searching, canine announcements are required via a public address system. He directed Deputy Palmer to make the announcements. Palmer began driving north on Corby Avenue broadcasting the canine announcements. Palmer drove to the north end, made a u-turn and began driving south, continuing the announcements. Guilbault then heard a burglary now call via Sheriff's radio occurring at [redacted] Corby Avenue. Guilbault and Deputy Salinas realized that Deputy Palmer was next to the call's location. Palmer then stopped her car and was shining her spotlight toward a

residence on the west side of the street. Palmer's radio car was angled towards the west curb and she got out.

Sergeant Guilbault said he and Deputy Salinas had already begun to walk towards the location. Because the outstanding suspect had earlier shot at a deputy, Guilbault armed himself with an AR-15 rifle. As they were walking south, Guilbault heard Deputy Palmer say something to someone west of her. He suddenly heard a shot and saw Deputy Palmer back up and lean forward. Guilbault thought Palmer had been shot.

Sergeant Guilbault said he was behind a car on the west side of Corby Avenue and could see Melendez and that he was armed with a gun. The suspect fired another shot. Guilbault did not have a safe angle of fire because of Deputy Palmer's and Deputy Salinas' position, so he moved across the front lawn to the house west of him to a driveway one house north of [redacted] Corby Avenue. Both Palmer and Salinas were returning fire at Melendez, who had now moved into the driveway of the house ([redacted] just south of [redacted] Corby Avenue. The suspect was shooting slowly, as if he was making his rounds count.

Sergeant Guilbault said he took a kneeling position on a straight line to the suspect. He estimated he was approximately 100 feet north of Suspect Melendez and began firing at him. Melendez stopped shooting for five to 10 seconds. The suspect moved between two vehicles which were parked in the driveway at [redacted] Guilbault could only see the lower portion of Melendez under the vehicles. Guilbault fired five or six rounds at Melendez, skipping them under the vehicle to stop the suspect from further assaulting deputies.

Sergeant Guilbault said he heard a noise from Suspect Melendez and assumed he had been struck by gunfire. Melendez again moved between the front truck in the driveway and the garage door, firing a couple of more shots as he moved. Guilbault fired more rounds at Melendez, who turned and fired a round at Sergeant Guilbault. The bullet hit a water dish in the yard near the sergeant. Guilbault moved to a position of cover behind the garage and returned fire, emptying the magazine of his AR-15. He reloaded and continued returning fire as Melendez continued to shoot. Guilbault heard a bullet pass overhead to his left. He fired again, and Melendez went down.

Sergeant Guilbault said Deputy Palmer, Deputy Salinas, and some deputies to the south of Melendez were firing at a 45 degree angle at Melendez, but none of them had a good angle of fire. Guilbault said he had the best angle of fire, and thought that most of the bullets which struck the suspect, were fired from his AR-15 rifle. He added that there were no deputy cross fires.

Sergeant Guilbault said that when Suspect Melendez went down, he requested the SWT. When the SWT arrived, and after Deputy Salinas' dog approached Melendez who did not move, they contacted the suspect and found him incapacitated. Paramedics treated the suspect who was then transported to a hospital.

IAB Note: Sergeant Guilbault fired 27 rounds from his AR-15 rifle.

Deputy Ruben Arrieta told Homicide Bureau investigators that on April 6, 2002, he was assigned to Century Station, working Unit 212H, EM shift. He received a message via his mobile digital transmitter which instructed him to proceed to a command post in the Norwalk Station area to assist in the containment of a deputy involved shooting scene. After arriving, he was directed to assist in the rear containment of the residence located at [redacted] where the suspect, described as wearing dark clothing and armed with a handgun, was believed to have barricaded himself.

Deputy Arrieta said that while he was in his containment position, he heard Sheriff's radio traffic indicating that canine units were going to begin searching certain streets and houses in the area. He also heard public address announcements being played in both the Spanish and English languages, advising the suspect to turn himself in to the police. Shortly thereafter, he heard additional radio traffic advising of a burglary in progress on Corby Avenue, directly behind his containment position. Deputy Arrieta simultaneously heard radio traffic from a female deputy canine handler advising she was near the location of the burglary. Moments later, he heard gunshots and people screaming coming from behind him. He proceeded to the front of the residence on Corby Avenue and as he reached the driveway, he could hear the exchange of gunfire. He could also hear the sound of bullets striking a vehicle.

Deputy Arrieta said there were four vehicles parked in the driveway and he could see that there was a Sheriff's sergeant just south of him and the parked vehicles. The sergeant, who was in the open and lacked any cover or concealment, was firing a rifle south on Corby Avenue. He believed the vehicles near him were being struck by bullets and he was concerned for his own safety and the safety of the sergeant.

Deputy Arrieta stated that he subsequently obtained a position between the four vehicles parked in the driveway and could now see where the sergeant was firing his weapon. He also saw a couple of muzzle flashes coming from near a truck which was parked in a driveway a couple of houses south of him and on the same side of the street. The truck was parked facing west in the driveway, facing the garage. Suspect Melendez was in front of the truck and then changed positions as he was seeking cover; he was now sprawled out on the ground near the truck. Arrieta could still hear bullets coming towards him and believed he was going to be shot.

Deputy Arrieta related that he could see that the suspect was still sprawled out and moving at which time he aimed his Beretta 9mm duty pistol at him and began firing. He continued firing at Suspect Melendez because of his concern for his and the sergeant's safety. He ceased firing when someone yelled to stop firing. He then heard sheriff's radio traffic indicating that the suspect was down.

Deputy Arrieta said he and the sergeant then re-positioned themselves near a white van parked south and east of his location where two additional canine deputies were located. He remained at this position until SEB personnel arrived and secured the suspect.

IAB Note: Deputy Arrieta fired nine rounds from his 9mm Beretta.

Deputy Craig Calzada told Homicide Bureau investigators that on April 6, 2002, he was working Unit 49K2, EM shift. At approximately 0130 hours, he heard via Sheriff's radio of a request for immediate assistance regarding a deputy involved shooting. Calzada responded to the request and assumed a position of traffic control at Lakeland Avenue and Pioneer Boulevard, the outer perimeter of an established containment.

Deputy Calzada said that he eventually re-deployed to the command post and then was directed to take bolt cutters to deputies who were at the location on Alburtis Avenue. Once on Alburtis Avenue, Calzada assisted in a tactical plan and eventually rescued an adult female and minor male child. The location was then handled as a barricaded suspect situation and the female and child were transported to the command post.

Deputy Calzada stated that he was then assigned, along with Deputy Flotree, to assist Deputy Palmer make canine announcements on Corby Avenue. Calzada was then directed to maintain his position so Deputy Palmer could conduct canine announcements from the public address system on her radio car. These announcements were pre-recorded and were warnings to the suspect to give himself up. These announcements were both in English and in Spanish.

Deputy Calzada said he was approximately five to six houses south of the Deputy Palmer when he observed her stop and exit her vehicle. Deputy Palmer then crossed the street to the west side of Corby Avenue and took up a position by a white van, which was facing south on Corby Avenue near the west curb. He lost sight of Palmer; however, he did hear a female voice state, "Let me see your hands." She then stated, "Get you hands up." Calzada then saw the suspect in front of a blue house, he believed close to a porch, on the west side of the street.

Deputy Calzada stated that as soon as he saw the suspect, he heard a gunshot. He believed this was the same suspect who had earlier shot at a deputy on Alburtis Avenue. Although he did not see a muzzle flash when he heard the gunshot, he thought deputies were being shot at. He immediately began to move north on Corby Avenue toward the sounds of gunshots. He felt these gunshots were coming from the suspect.

Deputy Calzada said he saw a radio car parked in a northwestern direction against the west curb, approximately two houses south of the blue house. He took a position to the rear of the vehicle by the trunk. Once in the position, Calzada heard numerous gunshots he believed were coming from both deputies and the suspect who were just north of his location.

Deputy Calzada stated that he saw the suspect running along the houses in a southern direction towards his position. There was a Toyota parked in the driveway of the [redacted] and that the vehicle was facing west, towards the garage. As the suspect neared this vehicle, Calzada saw a muzzle flash from the suspect's gun shooting in his direction. As soon as he saw this muzzle flash, Calzada believed he was being shot at by the suspect. Fearing for his safety and for the safety of his partner, Deputy Flotree, Calzada fired approximately 15 rounds at the suspect. During the course of the gunfight, he

reloaded a second magazine and fired what he believed to be approximately five additional rounds at the suspect.

Deputy Calzada said that during the course of the gunfight with the suspect, he noted the suspect fired in his direction on several occasions and turned in a northern direction and fired several times in the direction of the deputies who were just north of their position. While exchanging gunfire with the suspect, Calzada was in a crouched position on the left side of the trunk of the radio car. He heard the suspect moan on several occasions, and on one occasion believed the suspect was actually hit.

Deputy Calzada said that after a period of time, the suspect stopped firing and subsequently stopped moving. At this point, Calzada stopped firing his weapon and noted there were no additional gunshots coming from deputies in the area. After a slight lull, he heard the canine sergeant yelling verbal commands. Subsequently, SWT personnel arrived at the location and relieved him from his position.

IAB Note: Deputy Calzada fired 21 rounds from his 9mm Beretta.

Deputy Jeffrey Flotree told Homicide Bureau investigators that on April 6, 2002, he was assigned to Unit 45T1, EM shift. At approximately 0130 hours, he [redacted] when he heard via his handheld radio a voice he recognized as Deputy Gutierrez saying, "998" (deputy involved in a shooting, requesting assistance). Flotree ran to his radio car and proceeded to the Alburtis Avenue location along with Deputy Fernandez who was with him [redacted].

Deputy Flotree said that upon arriving at the location, he assisted other deputies in establishing a containment, which took about four to five minutes. Flotree then participated in the operation to extract a male and female from the target location, which was also believed to be the residence the suspect was in.

Deputy Flotree stated that he was then detailed, along with Deputy Calzada, to assist Deputy Palmer in the clearing of yards just east of the Alburtis Avenue location on Corby Avenue. Deputy Calzada joined him in his radio car and they followed Deputy Palmer northbound on Corby Avenue. At Deputy Palmer's direction, Flotree stopped his radio car in the middle of the street, about 10 houses south of what he thought was the target area. Deputy Palmer then continued driving north on Corby Avenue, making canine announcements.

Deputy Flotree said Deputy Palmer was about eight houses north of his location when the announcements ceased. He and Deputy Calzada were standing in the middle of the street when he heard Deputy Palmer say, "Hands up." It seemed to him that Palmer was in mid-sentence when he heard a gunshot. He could not see Palmer when he heard the gunshot.

Deputy Flotree said he took off on a dead run in the direction of the shot. As he was running, he was where Palmer's car was parked and he knew the gunshot came from north and west of his position. Flotree arrived at a radio car and took a position at the rear of this

vehicle looking over the trunk in the direction of where he heard the gunshot. He was looking toward the houses on the west side of the street when he heard numerous gunshots, some of which were fired from different weapons. Calzada was to his right and both were positioned at the left side of the radio car, near the trunk.

Deputy Flotree said he saw the suspect run and recalled a white garage door with a small sedan parked about five feet from the garage door, creating a gap between the front of the vehicle and the garage door. This particular area was fairly well lit and Flotree was able to see a gun in the suspect's hand. The suspect raised the gun and fired a round in Flotree's direction. The suspect was approximately 45 to 50 feet away, knelt down at the left front fender of the car parked in the driveway. Flotree could see the suspect clearly due to the angle of his position.

Deputy Flotree said he had his department issued 9mm Beretta out of his holster and fired at the suspect an unknown number of times. The suspect turned once again, fired a round toward the direction of Deputy Palmer (northeast), turned back towards him and fired once again. The suspect was still facing south, but turned the upper portion of his body and fired over his shoulder towards Deputy Palmer's position.

Deputy Flotree said he could now see a backpack and a gun on the ground, but he could no longer see the suspect. This caused him concern that he lost sight of the suspect. Flotree said the SWT then arrived and he was relieved of his position. A short time later, he returned to the command post as instructed.

IAB Note: Deputy Flotree fired four rounds from his 9mm Beretta.

WITNESSES' STATEMENTS:

IAB Note: There were several witnesses who only heard gunshots, public address announcements or observed deputies movements. The following witnesses were able to provide more information regarding the specifics of the two shootings:

[redacted] told investigators that shortly after 0125 hours, April 6, 2002, she heard approximately nine individual gunshots west of her home. Within five minutes, she heard police sirens in the area and a helicopter flying overhead, making announcements.

Ms. [redacted] said that at about 0330 hours, she heard her dog barking in her backyard. She then heard a public address announcement regarding the release of a canine dog. While this announcement was given, she heard a male voice yell through her security screen door, "Come on, let me in." The person was turning the door handle to the screen door, trying to enter the home. [redacted] called 9-1-1 and told the dispatcher of her situation. [redacted], [redacted] looked out the blinds of the living room window and saw the suspect at the front door. [redacted] provided a description of the suspect to her mother who then relayed the information to the 9-1-1 operator. [redacted] recalled the suspect's

description to be MW/H, wearing all dark clothing and a Raiders cap.

[redacted] said that she laid down on the floor and within a couple minutes, and while still on the phone with the 9-1-1 dispatcher, she heard at least 40 gunshots outside her residence. At one point, a bullet entered her home and nearly struck her head. She and her family were subsequently evacuated to a command post.

[redacted] reported that she was in her living room when she heard a patrol car drive by her house making canine announcements. As soon as the radio car passed her house, she heard some rustling noise coming from a bush near the front of her house. She looked outside and saw a man come out from behind the bush and walk toward her front porch. When the man walked on to her porch, he tried to open the front door. The individual yelled at her to let him in the house.

[redacted] stated that she feared for her safety and called 9-1-1. She told the operator that a man was trying to get into her house. When deputies arrived, the man stepped off the porch and she heard several gunshots. One of the rounds went through her front window and missed her mother, [redacted] who was sitting at the dinning room table.

[redacted] described this man as MH, wearing dark clothing and a baseball cap.

[redacted] told investigators that he was awakened by public address warnings for everyone to remain in their homes. He looked out the window of his living room and saw the suspect standing at the front door of his neighbor's home at [redacted] The suspect was dark complected and wore a dark hooded sweatshirt. He saw the suspect turn from his neighbor's front door and begin walking south towards a tall bush.

Mr [redacted] said he could see that the suspect was carrying some sort of dark bag. He also observed that the suspect's right hand was in the bag. When the suspect reached the tall bushes, the shooting started.

[redacted] told investigators that at around 0100 hours, April 6, 2002, he was asleep when he heard 10 to 12 gunshots. He went outside but did not see or hear anything further.

[redacted] said that at an unknown period of time later, he got up again and looked out his front window which faces eastbound onto [redacted] At that time, he saw a deputy shooting in a southerly direction while standing on the sidewalk directly in front of his home. The deputy was shooting some type of long rifle or shotgun. There was another deputy standing in the front yard of his home, directly north of a block wall, shooting a handgun in a south and easterly direction.

[redacted] told investigators that he was awakened at approximately 0300 hours, by a voice from a loudspeaker. Almost immediately after awakening, he heard what he

estimated to be 20 to 30 different gunshots of different pitches and volumes. He looked out his front window and saw a deputy walking southbound on the sidewalk directly in front of his home, firing what appeared to be a rifle, about ten times in a southerly direction.

[redacted] said he saw a second deputy in the front yard of his home standing by the block wall on the south side of the property. This deputy was shooting what appeared to be a pistol with a laser sight on it, in a southerly direction. Simultaneous to all this, [redacted] also observed several other deputies taking cover behind a radio car that was parked in the street directly south of his location.

SUSPECT'S STATEMENT:

Suspect Cayetano Melendez told Homicide Bureau investigators that on the night of the incident he went to his mother's old house on Pioneer Boulevard, following his recent release from prison after severing 17 years for several robberies. While near the residence, he ingested crystal methamphetamine. He then wandered around the neighborhood looking for old associates.

Suspect Melendez stated that at some point he had a confrontation with two younger gang members during which time he told them, "Well fuck, I'll blow your head off." The three walked their separate ways and at that moment, a radio car pulled up behind him and the deputy said, "Hey asshole." The suspect said, "I just flipped out and I started busting him. And then they started busting. I thought he was in there by himself."

The suspect said he fired all six rounds at the deputy and then ran to the rear of a green house on Alburtis Avenue where he reloaded with a plastic speedy loader. He then forced open a large glass door, entered for just a few seconds and then ran eastbound, jumped a fence and ended up in some bushes near the front porch of a home on Corby Avenue. He remained there for a long time, over an hour.

Melendez said he then heard the canine announcements and approached the front door. He knocked on the door, told the woman he was an officer and asked her to open the door. She started screaming that the suspect was at her front door.

Suspect Melendez stated that he turned around and saw a female deputy (Deputy Palmer) driving up in her radio car. He said, "I drew down on her. I had her dead bang." He fired at Deputy Palmer, hitting a radio car parked on the street near Palmer's vehicle. He said he also had two other male deputies in his sights as well during the incident.

The suspect said he then felt a round hit his hand and gun and then felt another round strike him on his side. He was treated by paramedics a short time later.

Melendez added that he had 50 rounds with him, but only one speedy loader. If he had more speedy loaders, he would have been able to fire more rounds.

MISCELLANEOUS SECTION:

None